

# Cooley

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Via ECF

March 1, 2023

District Judge James Donato  
United States District Court  
San Francisco Courthouse  
Courtroom 11, 19th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

**Re: Corephotonics, Ltd. v. Apple Inc., Case Nos. 3:17-cv-06457-JD (lead case), 5:18-cv-02555-JD**

Dear Judge Donato:

Pursuant to the Court's Standing Order for Discovery in Civil Cases, Apple respectfully seeks an order compelling Corephotonics to disclose requested discovery that is highly relevant to potentially dispositive standing and license issues and to Corephotonics's claims for damages and injunctive relief and other issues. Counsel for Apple certifies that the parties met and conferred on February 3, 2023 pursuant to the Court's Standing Order and the Civil Local Rules.

Background. Corephotonics originally filed this action in 2017, seeking royalty damages and a permanent injunction for alleged patent infringement. (Dkt. 1.) At the time, Corephotonics was apparently an independent company. (*Id.*, ¶ 7.) After some initial discovery, in late 2018 the case was stayed pending *inter partes* review ("IPR") at the Patent Office. During the stay, in 2019, Corephotonics was acquired by a Samsung entity. (See Dkt. 106-4, ¶ 16.) The Court lifted the stay in Spring 2022. Dkt. 127. After three previously-asserted patents were invalidated in IPR, Corephotonics currently asserts two patents. In Summer 2022, the Court granted Corephotonics's motion to accuse numerous additional Apple products that had been released during the stay. (Dkt. 146.)

As explained further below, Corephotonics is deliberately withholding facts that will shed light on the truth about its business dealings and undermine its desire for an exorbitant damages award, including documentation regarding Samsung's acquisition of Corephotonics, including the acquisition agreement(s), associated diligence documentation, and documents disclosing post-acquisition relationships.

Relief requested. Apple requests that the Court order Corephotonics to promptly disclose the responsive discovery that Corephotonics is withholding relating to Samsung's acquisition of Corephotonics, including documents relating to associated diligence, agreement(s), and post-acquisition agreements and relationships (RFPs 39-41 and 43-49 and Interrogatory No. 14).

Corephotonics refuses to disclose any documents or information regarding Samsung's acquisition of Corephotonics in 2019 and regarding Corephotonics's agreements and business relationships with Samsung after the acquisition. The responsive documents and information are indisputably discoverable and relevant to a wide range of issues, and there is no undue burden in producing them.

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As an initial matter, the requested materials are relevant to the issue of standing in this action because they will reveal the extent to which any Samsung entity may need to be a party to this litigation pursuant to applicable agreement terms and/or corporate control. If the Samsung entity that owns Corephotonics maintains substantial control over decisions regarding the asserted patents and/or this litigation, that entity may need to be a party to this action, or otherwise the action may need to be dismissed.<sup>1</sup>

In addition, these documents are independently relevant to a license defense that may shield Apple from any alleged liability in this case depending on relevant corporate relationships among Corephotonics and Samsung entities.<sup>2</sup>

Beyond those potentially dispositive issues, the requested discovery is highly relevant to damages issues, such as under the factors of a *Georgia-Pacific* patent damages analysis.<sup>3</sup> For example, this discovery will reveal the consideration provided to acquire Corephotonics and its assets including the patents-in-suit as well as its pending patent litigation claims against Apple and others, which is relevant to a reasonable royalty determination. It will also reveal any valuations expressly or implicitly attributed to the patents-in-suit (or broader sets of patents and/or portfolios) and/or rights and activities relating to the patents in connection with applicable Samsung entities, including the extent to which Samsung entities are expressly or implicitly licensed under the patents-in-suit, all providing relevant data points for the purported value of a reasonable royalty. Corephotonics states on its website that it has ongoing business relationships with Samsung entities but refuses to disclose the requested discovery revealing the nature and extent of those relationships.<sup>4</sup>

The responsive documentation will also reveal the broader business positions of Corephotonics at all potentially applicable dates of “hypothetical negotiation” for each accused product’s first alleged infringement, in addition to a “book of wisdom” damages analysis that considers information after the date of first alleged infringement. Most of the Apple products that Corephotonics accuses of infringement in this action were not commercially released until after Samsung acquired Corephotonics in early 2019.<sup>5</sup>

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<sup>1</sup> See, e.g., *Propat Intern. Corp. v. Rpost, Inc.*, 473 F.3d 1187, 1191 (Fed. Cir. 2007) (finding lack of standing where a third-party “retains an economic interest in the patent and a substantial measure of control over decisions affecting the patent rights,” including “an equity interest in the proceeds of licensing and litigation activities, a right to notice of licensing and litigation decisions and the right to veto such decisions as long as the veto power was not exercised unreasonably, and the unrestricted power to bar [plaintiff] from transferring its interest in the patent to a third party”); *Lone Star Innovations LLC v. Nanya Tech. Corp.*, 925 F.3d 1225 (Fed. Cir. 2019) (discussing that plaintiff-patentee must possess “all substantial rights” and finding that plaintiff-assignee did not have statutory standing by itself due to “restrictions on enforcement and alienation” controlled by a third-party).

<sup>2</sup> Apple can provide relevant confidential documentation supporting this defense to the Court if requested.

<sup>3</sup> Corephotonics’s operative Damages Contentions point to the *Georgia-Pacific* factors (articulated by *Georgia Pacific v. U.S. Plywood Corp.*, 318 F. Supp. 1116, 1120 (S.D.N.Y. 1970) and commonly applied in patent cases), and Apple may also rely on the *Georgia-Pacific* factors in its responsive damages defense.

<sup>4</sup> Corephotonics’s website touts its close post-acquisition business ties with Samsung, but Corephotonics refuses to produce discovery regarding the underlying agreements and business relationships.

<https://corephotonics.com/about/> (“Following acquisition, Corephotonics is a Samsung innovation center” and “operates in close collaboration with Samsung System LSI Image Sensor Business”).

<sup>5</sup> See Dkt. 129-4 at 2-3. All of the accused iPhone 11, iPhone 12, iPhone 13, and iPad product lines were released after Samsung acquired Corephotonics.

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This discovery is also highly relevant to Corephotonics's claim for a permanent injunction, including the basis (or lack thereof) for Corephotonics's claim of irreparable harm given the fact that Corephotonics is owned and backed by one of the world's largest electronics companies.

The relevance of the requested documentation further includes potential witness bias issues insofar as Corephotonics's fact witnesses obtained consideration and/or interests through the acquisition, and secondary considerations factors relating to Apple's invalidity defense of obviousness (for example, revealing that the two patents-in-suit did not specifically drive any significant value in the acquisition, confirming the fact that these patents do not provide foundational innovations).

Corephotonics is improperly withholding this highly relevant discovery that will undermine Corephotonics's case. According to public reports,<sup>6</sup> Samsung paid a reported \$155 million to acquire Corephotonics, presumably including all of Corephotonics's tangible assets, software technologies, intellectual property, personnel, agreements, etc., including a large worldwide patent portfolio with scores of patents<sup>7</sup>, and including Corephotonics's claim against Apple in the litigation that was pending before this Court. All of that information reasonably indicates that the value of a non-exclusive license royalty for only one company (Apple), for only the two remaining asserted U.S. patents, should be only a tiny fraction of the purchase price. Apple needs this discovery to properly defend itself against an overreaching damages claim by Corephotonics against Apple that may far exceed the \$155 million purchase price for the entire company. Apple also needs this discovery to help rebut the story that Corephotonics apparently wants to tell of a smaller innovator that was unfairly wronged by a large company, when in fact Corephotonics is owned by Samsung and enjoys close business relationships with various Samsung entities that Corephotonics refuses to reveal.

Corephotonics has not meaningfully rebutted the extensive relevance of these documents to this wide range of issues, and has not shown any undue burden in producing the responsive discovery. During meet and confer, Corephotonics indicated that some responsive documents might contain certain information that is deemed confidential by a Samsung entity that Corephotonics might redact, but the Court's Protective Order (Dkt. 77) protects disclosure of confidential information in this case, and Corephotonics did not indicate that any Samsung entity has actually raised any objection or other issue. Any third-party confidential information would be an issue for the applicable entity, not for Corephotonics, and Corephotonics needs to take appropriate steps to clear their production or present any objections by Samsung for resolution by the parties and/or the Court.

For these reasons, Apple respectfully requests that the Court order Corephotonics to promptly disclose the requested discovery.

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<sup>6</sup> See, e.g., <https://www.crunchbase.com/acquisition/samsung-electronics-acquires-corephotonics--b1fe5e20>.

<sup>7</sup> See, e.g., <https://corephotonics.com/patents/> (listing scores of U.S. patents, many of which have foreign counterparts).

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Sincerely,

*/s/ Heidi L. Keefe*

Heidi L. Keefe

Counsel for Apple Inc.

Attachments: Ex. A (RFP responses) and Ex. B (interrogatory response)

# EXHIBIT A

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15 COREPHOTONICS, LTD.

16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
18 **SAN FRANCISCO DIVISION**

19 COREPHOTONICS, LTD.

20 Case No. 3:17-cv-06457-JD (LEAD)  
21 Case No. 5:18-cv-02555-JD

22 *Plaintiff,*

23 v.  
24 **PLAINTIFF COREPHOTONICS, LTD.’S**  
25 **RESPONSES TO DEFENDANT APPLE**  
26 **INC.’S SECOND SET OF REQUESTS**  
27 **FOR PRODUCTION**

28 APPLE, INC.,

29 *Defendant.*

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Case No. 3:17-cv-06457-JD

PLAINTIFF’S RESPONSES TO SECOND SET OF REQUESTS FOR PRODUCTION

1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Local Rules  
2 for the Northern District of California, plaintiff Corephotonics, Ltd. (“Corephotonics”), by and  
3 through its attorneys, hereby responds defendant Apple Inc.’s (“Apple”) Second Set of Requests  
4 for Production (No. 39-63). Corephotonics’ investigation continues and is ongoing, and further  
5 investigation and discovery may lead to additions, modifications, or changes to Corephotonics’  
6 responses.

7 **PRELIMINARY STATEMENT**

8 The responses herein are made solely for the purposes of this action. These responses are  
9 subject to, and without waiver of, any objections as to the competency, propriety, authenticity,  
10 relevancy, materiality, privilege, and admissibility, and to any and all other objections on any  
11 grounds that would require the exclusion of statements contained herein.

12 The following responses are based upon the facts and information currently known and  
13 available to Corephotonics and given without prejudice to Corephotonics’ right to amend or  
14 supplement to add any facts or information that it may later recall or discover as discovery and  
15 Corephotonics’ investigation continues. Corephotonics further reserves the right to amend or  
16 supplement any or all of the matters contained in these responses with facts or information that it  
17 learns were omitted by inadvertence, mistake, or excusable neglect; as additional facts are  
18 ascertained, and contentions are made in this litigation; and as terms used in the asserted claims of  
19 the patents-in-suit are construed.

20 Specific objections to each request are made on an individual basis in Corephotonics’  
21 responses below. In addition to the specific objections, Corephotonics makes certain general  
22 objections (the “General Objections”) to these requests. These General Objections are raised by  
23 issues that are common to each and every individual request. These General Objections hereby  
24 incorporated by reference into the specific response made to each separate request. For particular  
25 emphasis, Corephotonics has, from time to time, expressly included one or more of the General  
26 Objections as specific objections in the responses below.

27 Corephotonics response to these requests is based upon the facts and information currently  
28 known and available to it. All responses and production provided herein are subject to amendment

1 or supplementation by Corephotonics as discovery and Corephotonics' investigation continues.  
2 Corephotonics reserves the right to supplement, amend, modify, or alter its responses to these  
3 requests.

4 The assertion of any objection to any of the requests is neither intended as, nor shall in any  
5 way be deemed, a waiver of Corephotonics' right to assert that or any other objection at a later  
6 date, including any evidentiary objections to any document or thing that it produces in discovery.  
7 No incidental or implied admissions are intended by the responses below.

8 **GENERAL OBJECTIONS**

9 1. Corephotonics objects to Apple's Second Set of Requests for Production to  
10 Corephotonics, including the definitions and instructions listed therein, and to each individual  
11 interrogatory to the extent they purport to impose on Corephotonics obligations that differ from or  
12 exceed those required by the Federal Rules of Civil Procedure, the Local Rules for this District, or  
13 any order or ruling by the Court in this action. Corephotonics shall not comply with any purported  
14 obligation not imposed by law.

15 2. Corephotonics objects to the requests to the extent they request information  
16 protected from discovery by the attorney-client privilege, the attorney work product doctrine, the  
17 mediation privilege, or any other privilege or restriction on discovery. Corephotonics will not  
18 produce information protected by such privileges or restrictions. Any inadvertent or unintentional  
19 disclosure of such information shall not be deemed a waiver of any applicable privilege.  
20 Corephotonics further reserves the right to object that some information is so confidential and  
21 sensitive that it should not be provided absent additional protections adequate to ensure its  
22 confidentiality.

23 3. Corephotonics objects to each request to the extent it requests documents that are  
24 subject to non-disclosure or confidentiality agreements, protective orders, or other agreements or  
25 any applicable law having privacy, confidentiality or non-disclosure provisions, which prohibit the  
26 disclosure by Corephotonics of the third party's information.

27 4. Corephotonics objects to each individual request to the extent they call for  
28 information that is not relevant to a claim or defense that a party has pled in this action.

1 Corephotonics' production of documents and things in response to these requests intended to be,  
2 and shall not be construed as, an admission by Corephotonics that any matter referenced in the  
3 requests is relevant to any party's claim or defense in this action.

4       5. Corephotonics objects to these requests to the extent they are overbroad in time or  
5 scope, unduly burdensome, and otherwise not proportional to the needs of the case pursuant to  
6 Federal Rule of Civil Procedure 26(b)(1).

7       6. Corephotonics objects to these requests to the extent that they are oppressive,  
8 harassing, oppressive, vague, ambiguous, unintelligible, or require Corephotonics to speculate as  
9 to the meaning intended.

10     7. Corephotonics objects to these requests to the extent that they contain express or  
11 implied assumptions of fact or law with respect to matters at issue in this case. Apple's production  
12 of documents or things in response to these requests are not intended to be, and shall not be  
13 construed as, an agreement or concurrence by Corephotonics with Apple's characterization of any  
14 facts, circumstances, or legal obligation; and Corephotonics expressly reserves the right to contest  
15 any such characterizations.

16     8. Corephotonics objects to these requests to the extent that they are compound.

17     9. Corephotonics objects to each and every request, definition, and instruction, to the  
18 extent that they call for legal conclusions.

19     10. Corephotonics objects to each and every request, definition, and instruction, to the  
20 extent that they do not identify the materials sought with reasonable particularity.

21     11. Corephotonics objects to each request that includes the terms "any," "every," "all,"  
22 or "each," to the extent that it seeks the identification of "any," "every," "all," or "each" person,  
23 document, or information as overly broad, unduly burdensome, and not proportional pursuant to  
24 Rule 26(b)(1).

25     12. Corephotonics objects to the definitions of "Plaintiff," "Corephotonics," "You," or  
26 "Your," to the extent Apple's definition purports to impose duties beyond those imposed by the  
27 Federal Rules of Civil Procedure, the Local Civil Rules, or any order or ruling by the Court in this  
28 action. Further, Apple's definition of these terms refers to "entities," which Apple has not defined.

1 The failure to define the defined term on which the definitions of Plaintiff," "Corephotonics,"  
2 "You," or "Your" is defined renders the definition of these terms vague, ambiguous, and  
3 unintelligible.

4 13. Corephotonics objects to these requests to the extent that they purport to require  
5 Corephotonics to search for and provide documents or things that are not within its possession,  
6 custody, or control.

7 14. Corephotonics objects to each and every request as unduly burdensome and not  
8 proportional to the extent that it requires the production of materials equally available to Apple.

9 15. Corephotonics incorporates by reference each of the foregoing General Objections  
10 set forth herein above into each specific response set forth below as if set forth in full therein. An  
11 answer to a response shall not be construed as a waiver of any applicable or general objection to a  
12 response.

13 16. Corephotonics further reserves the right to amend the General Objections and its  
14 objections to the specific requests set forth herein.

### **RESPONSES TO REQUESTS FOR PRODUCTION**

#### **REQUEST NO. 39:**

17 All Documents regarding the acquisition of Corephotonics by Samsung Electronics (see,  
18 e.g., <https://corephotonics.com/about/>: "In 2019 Corephotonics was acquired by Samsung  
19 Electronics"), including all agreements, corporate documentation, and documentation submitted  
20 to any governmental authorities regarding the acquisition.

#### **RESPONSE TO REQUEST NO. 39:**

22 Corephotonics incorporates its General Objections recited above as if set forth fully herein.  
23 Corephotonics objects to this Request as seeking information that is not relevant to any claim or  
24 defense in this action. Corephotonics objects to this Request to the extent it seeks documents that  
25 are publicly available or are equally accessible to Defendant, and to the extent it seeks documents  
26 that are not in Corephotonics' possession, custody, or control. Corephotonics objects to this  
27 Request as overly broad, unduly burdensome, vague and ambiguous, and not reasonably calculated  
28 to lead to the discovery of admissible evidence. Corephotonics further objects to this Request to

1 the extent it is not limited in temporal scope. Corephotonics further objects to this Request to the  
2 extent that it calls for the production of documents protected by the attorney-client privilege, the  
3 work product doctrine, the common interest doctrine, the mediation privilege, or any other  
4 privilege, protection, or restriction on discovery. Corephotonics further objects to this Request to  
5 the extent that Defendant seeks to impose obligations that are broader than or inconsistent with the  
6 District's local rules, the Court's rules and orders, and the schedule issued in this case.

7 Subject to and without waiving the foregoing objections, Corephotonics is willing to meet  
8 and confer regarding this Request.

9 **REQUEST NO. 40:**

10 All Documents regarding diligence performed in connection with the acquisition of  
11 Corephotonics.

12 **RESPONSE TO REQUEST NO. 40:**

13 Corephotonics incorporates its General Objections recited above as if set forth fully herein.  
14 Corephotonics objects to this Request as seeking information that is not relevant to any claim or  
15 defense in this action. Corephotonics objects to this Request to the extent it seeks documents that  
16 are publicly available or are equally accessible to Defendant, and to the extent it seeks documents  
17 that are not in Corephotonics' possession, custody, or control. Corephotonics objects to this  
18 Request as overly broad, unduly burdensome, vague and ambiguous, and not reasonably calculated  
19 to lead to the discovery of admissible evidence. Corephotonics further objects to this Request to  
20 the extent it is not limited in temporal scope. Corephotonics further objects to this Request to the  
21 extent that it calls for the production of documents protected by the attorney-client privilege, the  
22 work product doctrine, the common interest doctrine, the mediation privilege, or any other  
23 privilege, protection, or restriction on discovery. Corephotonics further objects to this Request to  
24 the extent that Defendant seeks to impose obligations that are broader than or inconsistent with the  
25 District's local rules, the Court's rules and orders, and the schedule issued in this case.

26 Subject to and without waiving the foregoing objections, Corephotonics is willing to meet  
27 and confer regarding this Request.

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**REQUEST NO. 41:**

All Documents exchanged or provided between Corephotonics and any Samsung Corporate Entity (including representatives thereof) in connection with the acquisition of Corephotonics, including without limitation diligence documentation (including without limitation any Documents placed in a diligence data room), Documents reflecting or describing Corephotonics and/or any Samsung Corporate Entity, term sheets, draft agreements, and Documents regarding post-acquisition plans and expectations.

**RESPONSE TO REQUEST NO. 41:**

Corephotonics incorporates its General Objections recited above as if set forth fully herein. Corephotonics objects to this Request as seeking information that is not relevant to any claim or defense in this action. Corephotonics objects to this Request to the extent it seeks documents that are publicly available or are equally accessible to Defendant, and to the extent it seeks documents that are not in Corephotonics' possession, custody, or control. Corephotonics objects to this Request as overly broad, unduly burdensome, vague and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Corephotonics further objects to this Request to the extent it is not limited in temporal scope. Corephotonics further objects to this Request to the extent that it calls for the production of documents protected by the attorney-client privilege, the work product doctrine, the common interest doctrine, the mediation privilege, or any other privilege, protection, or restriction on discovery. Corephotonics further objects to this Request to the extent that Defendant seeks to impose obligations that are broader than or inconsistent with the District's local rules, the Court's rules and orders, and the schedule issued in this case.

Subject to and without waiving the foregoing objections, Corephotonics is willing to meet and confer regarding this Request.

**REQUEST NO. 42:**

All Documents reflecting all valuations, summaries, opinions, appraisals, analyses, or other descriptions or assessments of any of Corephotonics' litigations against Apple, including without limitation any such description or assessment in connection with the acquisition of Corephotonics.

1           **RESPONSE TO REQUEST NO. 42:**

2           Corephotonics incorporates its General Objections recited above as if set forth fully herein.  
3           Corephotonics objects to this Request as seeking information that is not relevant to any claim or  
4           defense in this action. Corephotonics objects to this Request to the extent it seeks documents that  
5           are publicly available or are equally accessible to Defendant, and to the extent it seeks documents  
6           that are not in Corephotonics' possession, custody, or control. Corephotonics objects to this  
7           Request as overly broad, unduly burdensome, vague and ambiguous, and not reasonably calculated  
8           to lead to the discovery of admissible evidence. Corephotonics further objects to this Request to  
9           the extent it is not limited in temporal scope. Corephotonics further objects to this Request to the  
10           extent that it calls for the production of documents protected by the attorney-client privilege, the  
11           work product doctrine, the common interest doctrine, the mediation privilege, or any other  
12           privilege, protection, or restriction on discovery. Corephotonics further objects to this Request to  
13           the extent that Defendant seeks to impose obligations that are broader than or inconsistent with the  
14           District's local rules, the Court's rules and orders, and the schedule issued in this case.

15           Subject to and without waiving the foregoing objections, Corephotonics will conduct a  
16           reasonable search for and produce relevant, responsive, non-privileged documents in  
17           Corephotonics' possession, custody or control to the extent any exist. Discovery is ongoing, and  
18           Corephotonics reserves the right to further supplement this response.

19           **REQUEST NO. 43:**

20           All agreements between Corephotonics and any Samsung Corporate Entity.

21           **RESPONSE TO REQUEST NO. 43:**

22           Corephotonics incorporates its General Objections recited above as if set forth fully herein.  
23           Corephotonics objects to this Request as seeking information that is not relevant to any claim or  
24           defense in this action. Corephotonics objects to this Request to the extent it seeks documents that  
25           are publicly available or are equally accessible to Defendant, and to the extent it seeks documents  
26           that are not in Corephotonics' possession, custody, or control. Corephotonics objects to this  
27           Request as overly broad, unduly burdensome, vague and ambiguous, and not reasonably calculated  
28           to lead to the discovery of admissible evidence. Corephotonics further objects to this Request to

1 the extent it is not limited in temporal scope. Corephotonics further objects to this Request to the  
2 extent that it calls for the production of documents protected by the attorney-client privilege, the  
3 work product doctrine, the common interest doctrine, the mediation privilege, or any other  
4 privilege, protection, or restriction on discovery. Corephotonics further objects to this Request to  
5 the extent that Defendant seeks to impose obligations that are broader than or inconsistent with the  
6 District's local rules, the Court's rules and orders, and the schedule issued in this case.

7 Subject to and without waiving the foregoing objections, Corephotonics is willing to meet  
8 and confer regarding this Request.

9 **REQUEST NO. 44:**

10 Documents sufficient to show the rights that Samsung Corporate Entities have held relating  
11 to the Asserted Patents and/or this litigation.

12 **RESPONSE TO REQUEST NO. 44:**

13 Corephotonics incorporates its General Objections recited above as if set forth fully herein.  
14 Corephotonics objects to this Request as seeking information that is not relevant to any claim or  
15 defense in this action. Corephotonics objects to this Request to the extent it seeks documents that  
16 are publicly available or are equally accessible to Defendant, and to the extent it seeks documents  
17 that are not in Corephotonics' possession, custody, or control. Corephotonics objects to this  
18 Request as overly broad, unduly burdensome, vague and ambiguous, and not reasonably calculated  
19 to lead to the discovery of admissible evidence. Corephotonics further objects to this Request to  
20 the extent it is not limited in temporal scope. Corephotonics further objects to this Request to the  
21 extent that it calls for the production of documents protected by the attorney-client privilege, the  
22 work product doctrine, the common interest doctrine, the mediation privilege, or any other  
23 privilege, protection, or restriction on discovery. Corephotonics further objects to this Request to  
24 the extent that Defendant seeks to impose obligations that are broader than or inconsistent with the  
25 District's local rules, the Court's rules and orders, and the schedule issued in this case.

26 Subject to and without waiving the foregoing objections, Corephotonics is willing to meet  
27 and confer regarding this Request.

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**REQUEST NO. 45:**

All Documents regarding Corephotonics' role as a Samsung innovation center (see, e.g., <https://corephotonics.com/about/>: "Following acquisition, Corephotonics is a Samsung innovation center, specializing in cameras and photographic user experience.").

**RESPONSE TO REQUEST NO. 45:**

Corephotonics incorporates its General Objections recited above as if set forth fully herein. Corephotonics objects to this Request as seeking information that is not relevant to any claim or defense in this action. Corephotonics objects to this Request to the extent it seeks documents that are publicly available or are equally accessible to Defendant, and to the extent it seeks documents that are not in Corephotonics' possession, custody, or control. Corephotonics objects to this Request as overly broad, unduly burdensome, vague and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Corephotonics further objects to this Request to the extent it is not limited in temporal scope. Corephotonics further objects to this Request to the extent that it calls for the production of documents protected by the attorney-client privilege, the work product doctrine, the common interest doctrine, the mediation privilege, or any other privilege, protection, or restriction on discovery. Corephotonics further objects to this Request to the extent that Defendant seeks to impose obligations that are broader than or inconsistent with the District's local rules, the Court's rules and orders, and the schedule issued in this case.

Subject to and without waiving the foregoing objections, Corephotonics is willing to meet and confer regarding this Request.

**REQUEST NO. 46:**

All Documents regarding Corephotonics' operation in collaboration with any Samsung Corporate Entities (see, e.g., <https://corephotonics.com/about/>: "While remaining an independent company it operates in close collaboration with Samsung System LSI Image Sensor Business").

**RESPONSE TO REQUEST NO. 46:**

Corephotonics incorporates its General Objections recited above as if set forth fully herein. Corephotonics objects to this Request as seeking information that is not relevant to any claim or defense in this action. Corephotonics objects to this Request to the extent it seeks documents that

1 are publicly available or are equally accessible to Defendant, and to the extent it seeks documents  
2 that are not in Corephotonics' possession, custody, or control. Corephotonics objects to this  
3 Request as overly broad, unduly burdensome, vague and ambiguous, and not reasonably calculated  
4 to lead to the discovery of admissible evidence. Corephotonics further objects to this Request to  
5 the extent it is not limited in temporal scope. Corephotonics further objects to this Request to the  
6 extent that it calls for the production of documents protected by the attorney-client privilege, the  
7 work product doctrine, the common interest doctrine, the mediation privilege, or any other  
8 privilege, protection, or restriction on discovery. Corephotonics further objects to this Request to the  
9 extent that Defendant seeks to impose obligations that are broader than or inconsistent with the  
10 District's local rules, the Court's rules and orders, and the schedule issued in this case.

11                   Subject to and without waiving the foregoing objections, Corephotonics is willing to meet  
12 and confer regarding this Request.

13 **REQUEST NO. 47:**

14                   All Documents regarding Corephotonics' financial relationship(s) with any Samsung  
15 Corporate Entity, including without limitation any financial interest held in Corephotonics by any  
16 Samsung Corporate Entity, any credit or debt obligations between Corephotonics and Samsung  
17 Corporate Entity, and any transfer of revenue or financial interest between Corephotonics and  
18 Samsung Corporate Entity.

19 **RESPONSE TO REQUEST NO. 47:**

20                   Corephotonics incorporates its General Objections recited above as if set forth fully herein.  
21 Corephotonics objects to this Request as seeking information that is not relevant to any claim or  
22 defense in this action. Corephotonics objects to this Request to the extent it seeks documents that  
23 are publicly available or are equally accessible to Defendant, and to the extent it seeks documents  
24 that are not in Corephotonics' possession, custody, or control. Corephotonics objects to this  
25 Request as overly broad, unduly burdensome, vague and ambiguous, and not reasonably calculated  
26 to lead to the discovery of admissible evidence. Corephotonics further objects to this Request to the  
27 extent it is not limited in temporal scope. Corephotonics further objects to this Request to the  
28 extent that it calls for the production of documents protected by the attorney-client privilege, the

1 work product doctrine, the common interest doctrine, the mediation privilege, or any other  
2 privilege, protection, or restriction on discovery. Corephotonics further objects to this Request to  
3 the extent that Defendant seeks to impose obligations that are broader than or inconsistent with the  
4 District's local rules, the Court's rules and orders, and the schedule issued in this case.

5 Subject to and without waiving the foregoing objections, Corephotonics is willing to meet  
6 and confer regarding this Request.

7 **REQUEST NO. 48:**

8 All Documents regarding Corephotonics' business relationship(s) with any Samsung  
9 Corporate Entities.

10 **RESPONSE TO REQUEST NO. 48:**

11 Corephotonics incorporates its General Objections recited above as if set forth fully herein.  
12 Corephotonics objects to this Request as seeking information that is not relevant to any claim or  
13 defense in this action. Corephotonics objects to this Request to the extent it seeks documents that  
14 are publicly available or are equally accessible to Defendant, and to the extent it seeks documents  
15 that are not in Corephotonics' possession, custody, or control. Corephotonics objects to this  
16 Request as overly broad, unduly burdensome, vague and ambiguous, and not reasonably calculated  
17 to lead to the discovery of admissible evidence. Corephotonics further objects to this Request to  
18 the extent it is not limited in temporal scope. Corephotonics further objects to this Request to the  
19 extent that it calls for the production of documents protected by the attorney-client privilege, the  
20 work product doctrine, the common interest doctrine, the mediation privilege, or any other  
21 privilege, protection, or restriction on discovery. Corephotonics further objects to this Request to  
22 the extent that Defendant seeks to impose obligations that are broader than or inconsistent with the  
23 District's local rules, the Court's rules and orders, and the schedule issued in this case.

24 Subject to and without waiving the foregoing objections, Corephotonics is willing to meet  
25 and confer regarding this Request.

26 **REQUEST NO. 49:**

27 All Documents regarding Corephotonics' reporting relationship(s) with any Samsung  
28 Corporate Entities, including organizational charts, descriptions of corporate structure, hierarchy,

1 and reporting relationships, and including all reports, updates, summaries, and other  
2 documentation provided by Corephotonics to any Samsung Corporate Entity.

3 **RESPONSE TO REQUEST NO. 49:**

4 Corephotonics incorporates its General Objections recited above as if set forth fully herein.  
5 Corephotonics objects to this Request as seeking information that is not relevant to any claim or  
6 defense in this action. Corephotonics objects to this Request to the extent it seeks documents that  
7 are publicly available or are equally accessible to Defendant, and to the extent it seeks documents  
8 that are not in Corephotonics' possession, custody, or control. Corephotonics objects to this  
9 Request as overly broad, unduly burdensome, vague and ambiguous, and not reasonably calculated  
10 to lead to the discovery of admissible evidence. Corephotonics further objects to this Request to  
11 the extent it is not limited in temporal scope. Corephotonics further objects to this Request to the  
12 extent that it calls for the production of documents protected by the attorney-client privilege, the  
13 work product doctrine, the common interest doctrine, the mediation privilege, or any other  
14 privilege, protection, or restriction on discovery. Corephotonics further objects to this Request to  
15 the extent that Defendant seeks to impose obligations that are broader than or inconsistent with the  
16 District's local rules, the Court's rules and orders, and the schedule issued in this case.

17 Subject to and without waiving the foregoing objections, Corephotonics is willing to meet  
18 and confer regarding this Request.

19 **REQUEST NO. 50:**

20 Documents sufficient to describe the ownership of Corephotonics and/or ownership of  
21 shares in Corephotonics since the inception of Corephotonics.

22 **RESPONSE TO REQUEST NO. 50:**

23 Corephotonics incorporates its General Objections recited above as if set forth fully herein.  
24 Corephotonics objects to this Request to the extent it seeks documents that are publicly available  
25 or are equally accessible to Defendant, and to the extent it seeks documents that are not in  
26 Corephotonics' possession, custody, or control. Corephotonics objects to this Request as overly  
27 broad, unduly burdensome, vague and ambiguous, and not reasonably calculated to lead to the  
28 discovery of admissible evidence. Corephotonics further objects to this Request to the extent it is

1 DATED: November 21, 2022

RUSS AUGUST & KABAT

3 By: /s/ Marc A. Fenster  
4 Marc A. Fenster

5 *Attorneys for Plaintiff*  
6 COREPHOTONICS, LTD.

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**CERTIFICATE OF SERVICE**

I certify that counsel of record is being served on November 21, 2022, with a copy of this document via Electronic Mail on this date.

*/s/ Marc A. Fenster*

# EXHIBIT B

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15 COREPHOTONICS, LTD.

16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
18 **SAN FRANCISCO DIVISION**

19 COREPHOTONICS, LTD.

20 Case No. 3:17-cv-06457-JD (LEAD)  
21 Case No. 5:18-cv-02555-JD

22 *Plaintiff,*

23 v.  
24 **PLAINTIFF COREPHOTONICS, LTD.’S**  
25 **RESPONSES TO DEFENDANT APPLE**  
26 **INC.’S SECOND SET OF**  
27 **INTERROGATORIES**

28 APPLE, INC.,

29 *Defendant.*

1 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Local Rules  
2 for the Northern District of California, plaintiff Corephotonics, Ltd. (“Corephotonics”), by and  
3 through its attorneys, hereby responds defendant Apple Inc.’s (“Apple”) Second Set of  
4 Interrogatories (No. 10-14). Corephotonics’ investigation continues and is ongoing, and further  
5 investigation and discovery may lead to additions, modifications, or changes to Corephotonics’  
6 responses.

7 **PRELIMINARY STATEMENT**

8 The responses herein are made solely for the purposes of this action. These responses are  
9 subject to, and without waiver of, any objections as to the competency, propriety, authenticity,  
10 relevancy, materiality, privilege, and admissibility, and to any and all other objections on any  
11 grounds that would require the exclusion of statements contained herein.

12 The following responses are based upon the facts and information currently known and  
13 available to Corephotonics and given without prejudice to Corephotonics’ right to amend or  
14 supplement to add any facts or information that it may later recall or discover as discovery and  
15 Corephotonics’ investigation continues. Corephotonics further reserves the right to amend or  
16 supplement any or all of the matters contained in these responses with facts or information that it  
17 learns were omitted by inadvertence, mistake, or excusable neglect; as additional facts are  
18 ascertained, and contentions are made in this litigation; and as terms used in the asserted claims of  
19 the patents-in-suit are construed.

20 Specific objections to each interrogatory are made on an individual basis in Corephotonics’  
21 responses below. In addition to the specific objections, Corephotonics makes certain general  
22 objections (the “General Objections”) to these interrogatories. These General Objections are raised  
23 by issues that are common to each and every individual interrogatory. These General Objections  
24 hereby incorporated by reference into the specific response made to each separate Interrogatory.  
25 For particular emphasis, Corephotonics has, from time to time, expressly included one or more of  
26 the General Objections as specific objections in the responses below.

1 Corephotonics' response to each individual Interrogatory is submitted without prejudice  
2 to, and without in any respect waiving, any General Objections not expressly set forth in that  
3 response. Accordingly, the inclusion in any response below of any specific objection to a specific  
4 Interrogatory is neither intended as, nor shall in any way be deemed, waiver of any General  
5 Objection or of any other specific objection made.

6 The assertion of any objection to any of the Interrogatories is neither intended as, nor shall  
7 in any way be deemed, a waiver of Corephotonics' right to assert that or any other objection at a  
8 later date. No incidental or implied admissions are intended by the responses below. These  
9 responses are neither intended as, nor shall in any way be deemed, an admission or representation  
10 that further information relevant to the subject matter of the Interrogatories does not exist.  
11 Furthermore, these responses are given without prejudice to Corephotonics' right to use or rely on  
12 additional information at any time, including at trial.

13 **GENERAL OBJECTIONS**

14 1. Corephotonics objects to Apple's Second Set of Interrogatories to Corephotonics,  
15 including the definitions and instructions listed therein, and to each individual interrogatory to the  
16 extent they purport to impose on Corephotonics obligations that differ from or exceed those  
17 required by the Federal Rules of Civil Procedure, the Local Rules for this District, or any order or  
18 ruling by the Court in this action. Corephotonics shall not comply with any purported obligation  
19 not imposed by law.

20 2. Corephotonics objects to each individual interrogatory to the extent they purport to  
21 seek information protected by the attorney-client privilege, work product doctrine, or any other  
22 applicable privilege or restriction on discovery. Corephotonics will not produce information  
23 protected by such privileges. Moreover, the inadvertent disclosure of information protected by  
24 such privileges and protections shall not constitute a waiver of the applicable privilege or  
25 protection either as to the information inadvertently disclosed or as to any other information.

26 3. Corephotonics reserves the right to object that some information is so confidential  
27 and sensitive that it should not be provided absent additional protections adequate to ensure its  
28 confidentiality.

1           4. Corephotonics objects to each interrogatory to the extent it requests information  
2 that is subject to non-disclosure or confidentiality agreements, protective orders, or other  
3 agreements or any applicable law having privacy, confidentiality or non-disclosure provisions,  
4 which prohibit the disclosure by Corephotonics of the third party's information.

5           5. Corephotonics objects to each individual interrogatory to the extent they call for  
6 information that is not relevant to a claim or defense that a party has pled in this action.  
7 Corephotonics' responses to the interrogatories are not intended to be, and shall not be construed  
8 as, an admission by Corephotonics that any matter referenced in the Interrogatories is relevant to  
9 any party's claim or defense in this action.

10          6. Corephotonics objects to these interrogatories to the extent they are overbroad in  
11 time or scope, unduly burdensome, and otherwise not proportional to the needs of the case pursuant  
12 to Federal Rule of Civil Procedure 26(b)(1).

13          7. Corephotonics objects to these interrogatories to the extent that they are oppressive,  
14 harassing, oppressive, vague, ambiguous, unintelligible, or require Corephotonics to speculate as  
15 to the meaning intended.

16          8. Corephotonics objects to these interrogatories to the extent that they contain express  
17 or implied assumptions of fact or law with respect to matters at issue in this case. Apple's responses  
18 to these interrogatories are not intended to be, and shall not be construed as, an agreement or  
19 concurrence by Corephotonics with Apple's characterization of any facts, circumstances, or legal  
20 obligation; and Corephotonics expressly reserves the right to contest any such characterizations.

21          9. Corephotonics objects to these interrogatories to the extent that they are compound,  
22 having multiple separate subparts. Each subpart will be counted as an individual interrogatory in  
23 determining the number of Interrogatories served upon Corephotonics.

24          10. Corephotonics objects to each and every interrogatory, definition, and instruction,  
25 to the extent that they call for legal conclusions.

26          11. Corephotonics objects to each and every interrogatory, definition, and instruction,  
27 to the extent that they do not identify the materials sought with reasonable particularity.

1           12. Corephotronics objects to each interrogatory that includes the terms “any,” “every,”  
2 “all,” or “each,” to the extent that it seeks the identification of “any,” “every,” “all,” or “each”  
3 person, document, or information as overly broad, unduly burdensome, and not proportional  
4 pursuant to Rule 26(b)(1).

5           13. Corephotronics objects to the definitions of “Plaintiff,” “Corephotronics,” “You,” or  
6 “Your,” to the extent Apple’s definition purports to impose duties beyond those imposed by the  
7 Federal Rules of Civil Procedure, the Local Civil Rules, or any order or ruling by the Court in this  
8 action. Further, Apple’s definition of these terms refers to “entities,” which Apple has not defined.  
9 The failure to define the defined term on which the definitions of Plaintiff,” “Corephotronics,”  
10 “You,” or “Your” is defined renders the definition of these terms vague, ambiguous, and  
11 unintelligible.

12           14. Corephotronics objects to the definition of “Instrumentality,” as Apple’s definition  
13 of this term refers to “other instrument,” which Apple has not defined and is vague, ambiguous,  
14 and unintelligible.

15           15. Corephotronics objects to these interrogatories to the extent that they purport to  
16 require Corephotronics to search for and provide information that is not within its possession,  
17 custody, or control.

18           16. Corephotronics incorporates by reference each of the foregoing General Objections  
19 set forth herein above into each specific response set forth below as if set forth in full therein. An  
20 answer to an interrogatory shall not be construed as a waiver of any applicable or general objection  
21 to an interrogatory.

22           17. Corephotronics further reserves the right to amend the General Objections and its  
23 objections to the specific interrogatory set forth herein.

24           **RESPONSES TO INTERROGATORIES**

25           **INTERROGATORY NO. 10:**

26           State in detail the complete factual and legal bases for Your contention(s) regarding any  
27 damages sought in this lawsuit from Apple, including without limitation the form(s) of damages  
28 sought, the amount sought, the complete basis and theories for Your damages claim(s), the smallest

1 applicable privilege. Corephotonics objects to this interrogatory on the grounds that it is premature.  
2 Corephotonics objects to this interrogatory because it seeks the disclosure of expert opinions.

3 Subject to and without waiving its Specific or General Objections, Corephotonics responds  
4 as follows: Corephotonics believes that damages discovery is incomplete at this stage in the case,  
5 having not received Defendant's witness(es) on sales and marketing and/or licensing. Moreover,  
6 Corephotonics expects the subject matter of this Interrogatory to be the subject of expert opinion(s)  
7 to be served in accordance with the anticipated case schedule and rules of this Court and District.  
8 In the absence of expert opinion (which is premature at this time), Corephotonics has not  
9 determined which methodology or methodologies (including the hypothetical negotiation method  
10 described in *Georgia Pacific v. U.S. Plywood Corp.*, 318 F. Supp. 1116, 1120 (S.D.N.Y. 1970),  
11 the analytic method, the income method, the market method, etc., or some combination thereof)  
12 should be used in determining a reasonable royalty in this case, including for example the inputs  
13 and conclusions to be drawn regarding the incremental value of the inventions of the asserted  
14 patents to the Accused Products. Corephotonics expects to produce or has already produced  
15 agreements and licenses to which it is a party and on which it intends to rely for purposes of its  
16 damages contentions in this case. Corephotonics further may rely on agreements produced by  
17 Defendant as well as other agreements identified during the regular course of discovery or in the  
18 context of expert disclosures. Corephotonics has responded based only upon such information and  
19 documents presently available to and specifically known to Corephotonics. If Corephotonics learns  
20 additional information as its investigation progresses, Corephotonics will supplement and/or  
21 amend this response accordingly.

22 **INTERROGATORY NO. 14:**

23 Describe in detail all past and present relationships between Corephotonics and any  
24 Samsung Corporate Entity, including without limitation complete descriptions of all relationships  
25 between Corephotonics and Samsung Corporate Entities relating to intellectual property licensing,  
26 corporate ownership, intellectual property ownership, financial matters (for example, revenues,  
27 profits, debts, credit, and financial holdings), real property ownership, employment, and other  
28

1 corporate and/or business relationships and an identification, by Bates number, of all agreements  
2 reflecting or constituting such relationships.

3 **RESPONSE TO INTERROGATORY NO. 14:**

4 In addition to the foregoing General Objections, Corephotonics objects to this interrogatory  
5 to the extent it seeks information that is not relevant to any claim or defense in this case.  
6 Corephotonics further objects to the extent this interrogatory is overly broad, not proportional to  
7 the needs of the case, unduly burdensome, vague, ambiguous, undefined, not calculated to lead to  
8 the discovery of admissible evidence, including without limitation to the extent it seeks discovery  
9 concerning "real property ownership, employment, and other corporate and/or business  
10 relationships." Corephotonics further objects to the extent this interrogatory seeks publicly  
11 available information that readily could be collected and obtained by Defendant at its own burden  
12 and expense. Corephotonics further objects to this interrogatory to the extent it seeks information  
13 protected by attorney-client privilege, the work product doctrine, the common interest privilege,  
14 or any other applicable privilege or immunity doctrines.

15 Subject to and without waiving the foregoing objections, Corephotonics responds as  
16 follows: Corephotonics is a subsidiary of Samsung Electronics Benelux B.V. Further,  
17 Corephotonics will produce and has produced documents from which Defendant may derive  
18 information responsive to any reasonable scope of this Interrogatory pursuant to Fed. R. Civ. P.  
19 33(d), including without limitation: the documents Bates stamped COREPH003143-  
20 COREPH003167; COREPH003189-COREPH003193; COREPH000749-COREPH000753;  
21 COREPH000745-COREPH000748; COREPH003030-COREPH003053; COREPH003168-  
22 COREPH003188; COREPH000738-COREPH000741; COREPH000735-COREPH000737.

23 Corephotonics reserves its right to supplement its response to this interrogatory in  
24 response to further discovery, including through expert opinions to be offered at the appropriate  
25 time or any other event that implicates the information provided in this response.

1 DATED: November 21, 2022

RUSS AUGUST & KABAT

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Russ, August & Kabat

By: /s/ Marc A. Fenster  
Marc A. Fenster

Attorneys for Plaintiff  
COREPHOTONICS, LTD.

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**CERTIFICATE OF SERVICE**

I certify that counsel of record is being served on November 21, 2022, with a copy of this document via Electronic Mail on this date.

/s/ Marc A. Fenster